

ENTERED

July 26, 2016

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

CHARLES ANTHONY CUEVA II,

Petitioner,

VS.

WILLIAM STEPHENS,

Respondent.

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CIVIL ACTION NO. 2:14-CV-417

ORDER ADOPTING REPORT AND RECOMMENDATION

Pending before the Court is the Petition for Writ of Habeas Corpus Pursuant to § 2254 filed by Charles Anthony Cueva, II, which had been referred to the Magistrate Court for a report and recommendation. On February 19, 2016, the Magistrate Court issued the Report and Recommendation, recommending that Respondent's motion to dismiss be granted, that Petitioner's § 2254 habeas petition be denied, that Petitioner be denied a certificate of appealability, and that this action be dismissed. Both parties filed timely objections to the Magistrate Court's Report and Recommendation. Thereafter, on March 11, 2016, the case was reassigned to this Court.

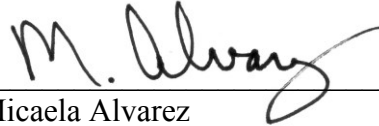
Pursuant to 28 U.S.C. § 636(b)(1)(c), the Court has made a de novo determination of those portions of the report to which objections have been made. As to those portions to which no objections have been made, in accordance with Federal Rule of Civil Procedure 72(b), the Court has reviewed the report for clear error.

Having thus reviewed the record in this case, the parties filing, and the applicable law, the Court adopts the Report and Recommendation in its entirety. Accordingly, it is hereby ORDERED that Respondent's Motion to Dismiss is GRANTED, that Petitioner's Petition for

Writ of Habeas Corpus Pursuant to § 2254 is DENIED, that Petitioner is denied a certificate of appealability, and that this action is DISMISSED.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 26th day of July, 2016.

A handwritten signature in black ink, appearing to read "M. Alvarez", is written over a horizontal line.

Micaela Alvarez
United States District Judge